

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

IBM ARBITRATION AGREEMENT LITIGATION

21 CIVIL 6296 (JMF)

**JUDGMENT**

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It is, **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Opinion and Order dated July 14, 2022, Plaintiffs' motion for leave to amend is DENIED on the basis of futility that the Proposed Amended Complaint would not survive a motion to dismiss. IBM's motion to dismiss Plaintiffs' Complaints is GRANTED. In particular, the Court has declined to exercise jurisdiction over the Post-Arbitration Plaintiffs' claims and dismisses Flannery and Corbett's challenges to the Confidentiality Provision as unripe. Additionally, the Court has granted IBM's motion to dismiss Flannery's and Corbett's challenges to the Timeliness Provision for failure to state a claim (and declines to grant leave to amend those claims because the defects in the claims are substantive and any amendment would therefore be futile). See, e.g., Ipsos Insight, LLC v. Gessel, 547 F. Supp. 3d 367, 380 (S.D.N.Y. 2021); Roundtree v. NYC, No. 19-CV-2475 (JMF), 2021 WL 1667193, at \*6 (S.D.N.Y. Apr. 28, 2021) (collecting cases). Finally, Plaintiffs' motion for summary judgment is DENIED as moot, and Plaintiffs' motion for leave to amend is DENIED.

**Dated:** New York, New York  
July 14, 2022

**RUBY J. KRAJICK**

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**Clerk of Court**

**BY:**

*K. Mango*

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**Deputy Clerk**